

Order

Michigan Supreme Court
Lansing, Michigan

March 21, 2007

Clifford W. Taylor,
Chief Justice

130585 (53)

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

MICHAEL FRANCIS SPITZLEY, Personal
Representative of the ESTATE OF DAVID A.
SPITZLEY,

Plaintiff-Appellee,

v

SC: 130585
COA: 255345
Clinton CC: 03-009578-CZ

THOMAS P. SPITZLEY and KIMBERLY S.
SPITZLEY,

Defendants-Appellants.

On order of the Court, the motion for reconsideration of this Court's January 12, 2007 order is considered, and it is DENIED, because it does not appear that the order was entered erroneously.

MARKMAN, J., dissents and states as follows:

For the reasons set forth in my dissenting statement in *Spitzley v Spitzley*, 477 Mich ____ (2007), I would grant the motion for reconsideration, reverse the judgment of the Court of Appeals, and strike the sanctions against defendants.

KELLY and CORRIGAN, JJ., join the statement of MARKMAN, J.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 21, 2007

Corbin R. Davis

Clerk